

**Appl. No.** : **09/840,548**  
**Filed** : **April 23, 2001**

### **REMARKS**

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

#### Discussion of Claim Rejections Under 35 U.S.C. Sections 102(b) and 103(a)

In the Office Action, the Examiner rejected Claims 1, 2, 4, 5, 9, 10, 13, 14, 17, 25, and 29-33 under 35 U.S.C. Section 102(3) as being obvious over U.S. Patent No. 5892591, to Anglin, Jr. et al in view of U.S. Patent No. 6,904,038, to Moon. Applicant notes that in the Office Action the rejections were premised upon 35 U.S.C. § 102(b). In view that multiple references were applied and that Moon did not publish until after the filing of the present application, Applicant assumes that this was an inadvertent error, and that the Examiner intended to reject the claims under 35 U.S.C. § 103(a). Applicant respectfully requests clarification if this is incorrect.

Claims 3, 6-8, 11, 15, 16, 21-24, 26-28 and 34-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Anglin in view of Moon and further in view of U.S. Patent No. 6,046,824, to Barak.

Applicant respectfully disagrees with these rejections in view of the claims, as amended. Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P. § 2131. Furthermore, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P. § 2143.03. Applicant respectfully submits that at least one limitation is not taught or suggested by each of the above-listed claims.

#### Claims 1, 13, 17, 21, 25, 29, and 34

In one embodiment, a fax may be transmitted to a local server for retransmission over the Internet to a remote server. The remote server may then forward the fax to a remote fax machine, which is the intended destination. In one embodiment, when the fax is transmitted to the local server, it is determined whether long distance charges would be incurred when the fax is transmitted from the remote server to the remote fax machine. For example, in one embodiment,

**Appl. No.** : **09/840,548**  
**Filed** : **April 23, 2001**

the user is informed long distant charges may apply and input is received from the user to determine if the user authorizes the charges. *See* Application, p. 6, lines 8-15.

Independent Claim 1, as amended, as recites: “receiving the fax via a public switched telephone network from a source location; determining whether the source location authorizes incurring long-distance charges subsequent to receiving the fax.” Independent Claims 13, 17, 21, 25, 29 34 and 38 include similar types of limitations directed to the long distance charges that may be incurred after transmission to a remote device. Applicant respectfully submits that at least these limitations are not taught or suggest by the cited art.

Anglin generally describes a method of transmitting a fax from one remote computer to another remote computer via an network. *See* Figure 3. In the Office Action, the Examiner acknowledged that Anglin fails to teach or suggest the above-limitation. In the Office Action, the Examiner took the position that this was taught by Moon. The Examiner stated:

Moon et al. teaches a step (222) of determining the user has available credit to establish a telecommunication with the remote user site (column 11, lines 53-67 and figure 4), which reads on determining whether the source location authorizes incurring long-distance charges.

Applicant respectfully disagrees with basis of the rejection. Moon describes that at a step 222, the local system, e.g., POP 60a, determines whether the caller has available credit to consummate the connection with a destination telephone that is in the *local* calling area of the remote server, i.e., the POP 60n. Moon states: “If POP 60a determines at step 200 that there are one or more user sites 20 *in the local calling area of the destination telephone*, POP 60a has available credit to establish a telecommunication with the remote user site 20.” *See* Moon, col. 11, lines 53-57 (emphasis added). Thus, at step 220, the Moon system determines whether funds are available to pay for the end-to-end call. Moon does not particularly describe or suggest determining whether the source location authorizes long distance charges at the remote end. Furthermore, Applicant respectfully submits that, aside from the foregoing differences, determining whether a source location authorizes payment, as is claimed, is not the same as determining whether the originating caller has funds to pay, as is described by Moon.

Since the cited references fail to teach in isolation or in combination at least the above-limitations, Applicant respectfully submits that these Claims are in condition for allowance.

**Appl. No.** : **09/840,548**  
**Filed** : **April 23, 2001**

Claims 2-11, 14-16, 21-24, 26-28, 30-33 and 39

Since Claims 2-11, 14-16, 21-24, 26-28, 30-33, and 23-37 each depend on one of Claims 1, 13, 17, 21, 25, 29, 34, and 38, Applicant respectfully submits that these claims are allowable for at least the reasons discussed above and the subject matter of their own limitations.

Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/9/2001

By: 

Eric M. Nelson  
Registration No. 43,829  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

2427618:sad  
030906